



Appl. No. 10/810,296
Dated July 14, 2008

Reply to Office communication of July 10, 2008

Appl. No. : 10/810,296 Confirmation No.: 1034
Applicant : Xing F. Wang
Filed : March 27, 2004
TC/A.U : 1631
Examiner : Jason M. Sims
Docket No. : XLH8FW

July 14, 2008

Commissioner for Patents,
P.O. Box 1450,
Alexandria VA 22313-1450

Dear Primary Examiner Dr. Michael Borin,

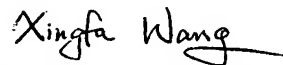
Please find enclosed the documents (14 sheets), which is used to respond to enclosed the Office communication of 7/10/2008 regarding the disapproval of the amendment to the claims filed on 4/21/2008 because the amendment does not comply with the requirement of 37 CFR 1.121(c) and contains improper claim text markings.

The disapproval of the amendment to the claims filed on 4/21/2008 is incorrect because the amendment complies with the requirement of 37 CFR 1.121(c). Please consider to withdraw the incorrect disapproval.

A grant of patent rights for this invention has been issued by Australian patent office on 3/14/2008 since Australian national phase entry dated 8/23/2006. Please consider the US patent application has been over 4 years since filed dated 3/27/2004 and the Office Action Summary of 2/27/2007 has stated that the prosecution on the merits is closed in this application in accordance with the practice under *EX parte Quayle*, 1935 C.D. 11, 453 O.G.213.

I appreciate it if a grant of patent rights is issued in this case soon.

Respectfully submitted,



Xing F. Wang, Ph.D.
Applicant
TEL: (774)239-3884
Fax: (508)831-0592

Encl.: 14 sheets:

Office communication of 7/10/08 (3 sheets),

A letter of 7/14/2008 (5 sheets),

Notice of Allowability of 4/16/08 (4 sheets),

The amended last paragraph of the claim 9, page 24 of 25 of the amendment to the claims of this application filed on 4/21/08 9:20:25 (2 sheets).



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/810,296

03/27/2004

Xing Fa Wang

XLH8FW

1034

35673

7590

07/10/2008

XING FA WANG

16 PALM STREET

WORCESTER, MA 01604-3844

EXAMINER

SIMS, JASON M

ART UNIT

PAPER NUMBER

1631

MAIL DATE

DELIVERY MODE

07/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Response to Rule 312 Communication

Application No.

10/810,296

Examiner

JASON M. SIMS

Applicant(s)

WANG, XING FA

Art Unit

1631

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

1. ☒ The amendment filed on 21 April 2008 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

Amendment to the claims filed on 4/21/2008 does not comply with the requirements of 37 CFR 1.121(c) because the amendment does not contain the proper claim text markings, see below. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) Claims. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) Claim listing. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) When claim text with markings is required. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) When claim text in clean version is required. The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

(4) When claim text shall not be presented; canceling a claim.

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) Reinstatement of previously canceled claim. A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Sims, whose telephone number is (571)-272-7540.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marjorie Moran can be reached via telephone (571)-272-0720.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

// Jason Sims //

/Michael Borin, Ph.D./
Primary Examiner, Art Unit 1631

Appl. No. 10/810,296
Dated July 14, 2008

Reply to Office communication of July 10, 2008

Appl. No. : 10/810,296 Confirmation No.: 1034
Applicant : Xing F. Wang
Filed : March 27, 2004
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Docket No. : XLH8FW

July 14, 2008

Commissioner for Patents,
United States Patent and Trademark Office (USPTO),
P.O. Box 1450,
Alexandria VA 22313-1450

Dear Examiner Mr. Jason M. Sims,

This is in response to enclosed the Office communication of 7/10/2008 regarding the disapproval of the amendment to the claims filed on 4/21/2008 because the amendment does not comply with the requirement of 37 CFR 1.121(c) and contains improper claim text markings.

The disapproval of the amendment to the claims filed on 4/21/2008 is incorrect because the amendment complies with the requirement of 37 CFR 1.121(c). Please consider to withdraw the incorrect disapproval

based on the following facts:

According to enclosed the Notice of Allowance of 4/16/2008, the applicant filed the amendment to the claims of this application on 4/21/2008, 9:20:25 AM, wherein based on the claims 1-10 to be allowed by this Notice, the previously presented claims 1-8 and 10 filed on 4/10/2008 1:10:38 PM remain in this application; and according to the examiner's amendment to the claim 9 presented in this Notice, enclosed the last paragraph of the claim 9 filed on 4/10/2008 1:10:38 PM has been amended under 37 CFR 1.121 (c) as follows:

Under 37 CFR 1.121 (c): (2) When claim text with marking is required; the text of any added subject matter must be shown by underlining the added text (e.g., a, the); double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters (e.g., ~~[[a]]~~, ~~[[the]]~~); and only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings, the examiner's amendment presented in this Notice comprising:

in claim 9, last paragraph, which begins with the word "outputting," line 4, immediately after the word "called," the term "the" delete and the term --a-- substitute therefore, or the text marking ~~[[the]]~~a under 37 CFR 1.121 (c);

in claim 9, last paragraph, which begins with the word "outputting," line 5, immediately proceeding the word "total," the term "a" delete and the term --the-- substitute therefore, or the text marking [[a]]the under 37 CFR 1.121 (c);

in claim 9, last paragraph, which begins with the word "outputting," line 6, immediately proceeding the words "disease risk level," the term "a" delete and the term --the-- substitute therefore, or the text marking [[a]]the under 37 CFR 1.121 (c);

in claim 9, last paragraph, which begins with the word "outputting," line 6, immediately proceeding the word "primary," the term "a" delete and the term --the-- substitute therefore, or the text marking [[a]]the under 37 CFR 1.121 (c);

in claim 9, last paragraph, which begins with the word "outputting," line 7, immediately proceeding the word "primary therapy," the term "a" delete and the term --the-- substitute therefore, or the text marking [[a]]the under 37 CFR 1.121 (c);

in claim 9, last paragraph, which begins with the word "outputting," line 8, immediately proceeding the words "secondary therapy target," the term "a" delete and the term --the-- substitute therefore, or the text marking [[a]]the under 37 CFR 1.121 (c);

in claim 9, last paragraph, which begins with the word "outputting," line 9, immediately proceeding the

words "therapeutic efficiency," the term "a" delete and the term --the-- substitute therefore, or the text marking [[a]]the under 37 CFR 1.121 (c); and

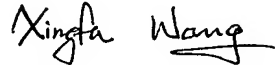
in claim 9, last paragraph, which begins with the word "outputting," line 11, immediately proceeding the word "therapy," the term "the" delete and the term --a-- substitute therefore, or the text marking [[the]]a under 37 CFR 1.121 (c).

These text markings presented in enclosed the last paragraph of the claim 9 filed on 4/21/2008, 9:20:25 AM have proved that the currently presented claims 1-10 filed on 4/21/2008, 9:20:25 AM contain proper claim text markings and fully comply with the requirement of 37 CFR 1.121 (c). Please consider to withdraw the incorrect disapproval and then the proceedings of this application are not awaiting and can be completed.

A grant of patent rights for this invention has been issued by Australian patent office on 3/14/2008 since Australian national phase entry dated 8/23/2006. Please consider the US patent application has been over 4 years since filed dated 3/27/2004 and the Office Action Summary of 2/27/2007 has stated that the prosecution on the merits is closed in this application in accordance with the practice under *EX parte Quayle*, 1935 C.D. 11, 453 O.G.213.

The applicant appreciates it if a grant of patent rights is issued in this case soon.

Respectfully submitted,



Xing F. Wang, Ph.D.
Applicant
TEL: (774) 239-3884
Fax: (508) 831-0592

Encl.: 9 sheets:

Office communication of 7/10/08 (3 sheets),
Notice of Allowability of 4/16/08 (4 sheets),
The amended last paragraph of the claim 9, page 24 of
25, of the amendment to the claims of this
application filed on 4/21/08 9:20:25 (2 sheets).



Notice of Allowability

| | | |
|-----------------|---------------|--|
| Application No. | Applicant(s) | |
| 10/810,296 | WANG, XING FA | |
| Examiner | Art Unit | |
| JASON M. SIMS | 1631 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- ☒ This communication is responsive to the amendment filed 4/11/2008.
- ☒ The allowed claim(s) is/are 1-10.
- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - ☐ All
 - ☐ Some*
 - ☐ Noneof the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Michael Borin, Ph.D./
Primary Examiner, Art Unit 1631

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Xing F. Wang on 12/5/2007.

In claim 9, last paragraph, which begins with the word "outputting," line 4, immediately after the word "called," the term "the" delete and the term - - a - - substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 5, immediately proceeding the word "total," the term "a" delete and the term - - the - - substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 6, immediately proceeding the words "disease risk level" the term "a" delete and the term - - the - - substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 6, immediately proceeding the word "primary," the term "a" delete and the term - - the - - substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 7, immediately proceeding the word "primary therapy," the term "a" delete and the term - - the - - substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 8, immediately proceeding the word "secondary therapy target," the term "a" delete and the term - - the - - substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 9, immediately proceeding the word "therapeutic efficiency," the term "a" delete and the term - - the - - substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 11, immediately proceeding the word "therapy," the term "the" delete and the term - - a - - substitute therefor.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Sims, whose telephone number is (571)-272-7540.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marjorie Moran can be reached via telephone (571)-272-0720.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (571)-273-8300.

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// Jason Sims //

Art Unit: 1631

/Michael Borin, Ph.D./

Primary Examiner, Art Unit 1631

TO:Auto-reply fax to 5088310592 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 5088310592

Fax Information

Date Received:

4/21/2008 9:20:25 AM [Eastern Daylight Time]

Total Pages:

30 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

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XING F WANG

PAGE 01/30

FACSIMILE TRANSMISSION COVER SHEET

APPLICATION/CONTROL NUMBER: 10/310,296

DATE: April 19, 2008

TO: Technical Center 1600 via the Central PTO Fax

Center,

Examiner: Mr. Jason M. Sims

TEL: (571)-272-7540

Art Unit: 1631

FAX: (571)-273-8300

FROM: Xing F. Wang, Applicant/Inventor,

16 Palm St., Worcester, MA 01604,

TEL: (774)-239-3884

FAX: (508)-831-0592

MESSAGE:

The amendment based on the Notice of Allowability dated April 16, 2008 regarding the US patent application (Application Number: 10/310,296).

NUMBER OF PAGES: 30 (INCLUDING THIS PAGE)

outputting said output screen to a display or to a user by using said computer device so as to produce a result of said method, called [[the]] a screening report containing [[a]]the total risk of said disease, [[a]]the disease risk level, [[a]]the primary cause in said disease, [[a]]the primary therapy target of said disease, [[a]]the secondary therapy target of said disease and [[a]]the therapeutic efficiency, to the individual who requires [[the]]a therapy to prevent or to treat atherosclerosis-related CHD or stroke.

Claim 10 (previously presented): The method of claim 9, further comprising: repeating said method accomplished by using said device until the individual's disease risk level to reduce to a normal level for the individual who requires a therapy to prevent or to treat atherosclerosis-related CHD or stroke.